

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JUL 07 2023

**JUDGE MATTHEW F. KENNELLY
UNITED STATES DISTRICT COURT**

UNITED STATES OF AMERICA

vs.

KENNETH COURTRIGHT

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Case No. 20 CR 77

INSTRUCTIONS GIVEN TO THE JURY

Date: July 6, 2023

The charges against the defendant are in a document called an indictment. You will have a copy of the indictment during your deliberations.

The indictment in this case charges that the defendant committed the crime of wire fraud.

The defendant has pled not guilty to each of the charges.

The indictment is simply the formal way of telling the defendant what crimes he is accused of committing. It is not evidence that the defendant is guilty. It does not even raise a suspicion of guilt.

You must make your decision based only on the evidence that you saw and heard here in court. Do not attempt to do any research on your own. You may not consider anything you may have seen or heard outside of court, including anything from the newspaper, television, radio, the Internet, or any other source.

The evidence includes only what the witnesses said when they were testifying under oath, the exhibits that I allowed into evidence, and the stipulations that the lawyers agreed to. A stipulation is an agreement that certain facts are true or that a witness would testify in a certain way.

Nothing else is evidence. The lawyers' statements and arguments are not evidence. If what a lawyer said is different from the evidence as you remember it, the evidence is what counts. The lawyers' questions and objections likewise are not evidence.

A lawyer has a duty to object if he or she thinks a question is improper. If I sustained objections to questions the lawyers asked, you must not speculate on what the answers might have been.

Do not make any decisions simply by counting the number of witnesses who testified about a certain point.

You may find the testimony of one witness or a few witnesses more persuasive than the testimony of a larger number. You need not accept the testimony of the larger number of witnesses.

What is important is how truthful and accurate the witnesses were and how much weight you think their testimony deserves.

You have heard testimony from David Kelley, who was promised and has received a benefit in return for his testimony.

You may give this witness's testimony whatever weight you believe is appropriate, keeping in mind that you must consider that testimony with caution and great care.

If you have taken notes during the trial, you may use them during deliberations to help you remember what happened during the trial. You should use your notes only as aids to your memory. The notes are not evidence. All of you should rely on your independent recollection of the evidence, and you should not be unduly influenced by the notes of other jurors. Notes are not entitled to any more weight than the memory or impressions of each juror.

Wire fraud – what the government must prove

Counts 1 through 7 of the indictment each charge the defendant with wire fraud.

You must consider each count separately.

In order for you to find the defendant guilty of a charge of this type, the government must prove each of the following elements beyond a reasonable doubt:

1. The defendant knowingly devised or participated in a scheme to defraud, as described in Count 1.
2. The defendant acted with the intent to defraud.
3. The scheme to defraud involved a material false or fraudulent pretense, representation, or promise.
4. For the purpose of carrying out the scheme or attempting to do so, the defendant caused an interstate wire communication to take place, as charged in the particular count you are considering.

I will define certain of these terms on the following pages of these instructions.

If you find from your consideration of all the evidence that the government has failed to prove one or more of these elements beyond a reasonable doubt as to the particular count you are considering, then you should find the defendant not guilty of that count.

If, on the other hand, you find from your consideration of all the evidence that the government has proved each of these elements beyond a reasonable doubt as to the particular count you are considering, then you should find the defendant guilty of that count.

Knowingly – definition

A person acts knowingly if he realizes what he is doing and is aware of the nature of his conduct, and does not act through ignorance, mistake, or accident. In deciding whether the defendant acted knowingly, you may consider all of the evidence, including what the defendant did or said.

Intent to defraud – good faith

If the defendant acted in good faith, then he lacked the intent to defraud required to prove the offense to wire fraud. The defendant acted in good faith if, at the time, he honestly believed the truthfulness of the representations the government has charged as being false. A defendant does not have to prove his good faith; rather the government must prove beyond a reasonable doubt that the defendant acted with the intent to defraud.

A defendant's honest and genuine belief that he will be able to perform what he promised is not a defense to fraud if the defendant also knowingly made false and fraudulent representations.

Wire fraud – additional instruction

It is not a defense to a charge of wire fraud that the victim might have discovered and prevented the fraud if he or she had been more diligent.

The indictment charges that the crimes happened "on or about" certain dates.

The government must prove that the crimes happened reasonably close to those dates.

The government is not required to prove that the crimes happened on those exact dates.

A verdict form has been prepared for you. You will take this form with you to the jury room. [Read the verdict form.]

When you have reached unanimous agreement, your presiding juror will fill in and date the verdict form, and each of you will sign it.

Advise the court security officer once you have reached a verdict. When you come back to the courtroom, I will read the verdict aloud.

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VERDICT

We, the jury, find as follows with respect to the charges against the defendant,

KENNETH COURTRIGHT:

	NOT GUILTY	GUILTY
COUNT ONE:	<input type="checkbox"/>	<input type="checkbox"/>
COUNT TWO:	<input type="checkbox"/>	<input type="checkbox"/>
COUNT THREE:	<input type="checkbox"/>	<input type="checkbox"/>
COUNT FOUR:	<input type="checkbox"/>	<input type="checkbox"/>
COUNT FIVE:	<input type="checkbox"/>	<input type="checkbox"/>
COUNT SIX:	<input type="checkbox"/>	<input type="checkbox"/>
COUNT SEVEN:	<input type="checkbox"/>	<input type="checkbox"/>

PRESIDING JUROR

Date: July ___, 2023